



## INTERIOR BOARD OF INDIAN APPEALS

Darrell Wadena, et al. v. Acting Minneapolis Area Director,  
Bureau of Indian Affairs

32 IBIA 16 (01/22/1998)

Denying reconsideration of:  
30 IBIA 130



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

DARRELL WADENA ET AL.,  
Appellants

v.

ACTING MINNEAPOLIS AREA DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,  
Appellee

: Order Denying Petition for  
: Reconsideration  
:  
:  
: Docket No. IBIA 96-99-A  
:  
:  
: January 22, 1998

On January 20, 1998, the Board of Indian Appeals (Board) received a letter addressed to it, the Secretary of the Interior, and the Assistant Secretary - Indian Affairs. The letter, which is dated January 10, 1998, and is signed by Marge Dalve as Designated Person, states that it concerns:

Requests for Investigation and Secretarial Review  
White Earth Band of Chippewa Indians/Minnesota Chippewa Tribe  
Bruce Babbitt/Clinton White House/Democratic National Committee  
Hudson Dog Track/Minnesota lobbyists/Senator Paul Wellstone Indian Gaming officials

The following notation appears under the Board's address on the distribution list:  
"Re: White Earth Band of Chippewa Indians/White Earth, Minnesota Docket No. IBIA 96-99A."  
Based on this notation, the Board assumes that the letter seeks reconsideration of the decision it issued on December 11, 1996, in Wadena v. Acting Minneapolis Area Director, 30 IBIA 130 (1996). The letter states in text at page 2:

Appeal is herewith being made to you to immediately intervene and rectify all of the illegal acts and actions which have taken place here at White Earth Indian Reservation and that you rescind your acknowledgement and approval of the swearing-in and seating of Eugene "Bugger" McArthur as chairman of our White Earth Band.

Reconsideration of Board decisions is authorized by 43 C.F.R. § 4.315, which provides in pertinent part:

(a) Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. Any party to the decision may petition for reconsideration. The petition must be filed with the Board within 30 days from the date of the decision and shall contain a detailed statement of the reasons why reconsideration should be granted.

The present letter must be denied as a petition for reconsideration for several reasons. First, Marge Dalve was not a party to the original decision. The letter identifies no other persons on whose behalf it is allegedly filed. Therefore, the Board cannot conclude that the letter was filed by a party to the original decision.

Second, the letter was not filed within 30 days of the original decision. As noted above, the original decision was issued on December 11, 1996, and the Board received the letter on January 20, 1998.

Third, the letter does not contain a statement, detailed or otherwise, showing why reconsideration should be granted. As best, the letter can be characterized as a complaint against certain Tribal and Federal governmental officials. The letter does not address the Board's decision in Wadena.

The Board has only that authority which has been delegated to it by the Secretary of the Interior. It does not have authority to conduct or order independent investigations of Tribal or Federal governmental officials.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this apparent petition for reconsideration is denied.

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//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

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//original signed  
Anita Vogt  
Administrative Judge